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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/593,973	06/13/2000	Rick Winkelman	018360-201592	6895

826 7590 05/13/2005

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EXAMINER

AMSBURY, WAYNE P

ART UNIT PAPER NUMBER

2161

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/593,973

Applicant(s)

WINKELMAN ET AL.

Examiner

Wayne Amsbury

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/25/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

CLAIMS 1-15 ARE PENDING

1. Applicant's arguments filed 4/14/05 have been fully considered but they are not persuasive.

In the Response, Applicant states:

DuFresne does not teach or disclose any techniques or system for using plain text files, as claimed in the pending application.

However, the phrase: *plain text file* does not appear in the claims, or in the Disclosure as a whole. The most appropriate meaning of this phrase in the art IS text framed in ASCII or EBCDIC code, which is in agreement with the recipe text file [FIG 4], although this is a highly formalized ASCII format that is used to produce executable code on the basis of strict rules of interpretation. In both respects it greatly resembles HTML. The other input file is claimed as: *input data text file comprising a plurality of name/value pairs*, which may or may not be text but is not so plain. As noted at lines 24-25 of the Specification, *graphical data representing an icon or logo may be included in a name/value pair*. It is clear that the term *text* as claimed is very broad.

In the response to the rejections of claims 2 and 5, Applicant states that the claimed invention does not require a web environment. It also does not *preclude* a web environment, so this argument is moot. Applicant agrees that Wilz may include the printing of labels [page 10 line 12], and then states that *neither DeFresne nor Wilz teach or suggest anything about text files, or the printing of labels using text files*. It is difficult to reconcile these statements, and the argument is moot.

As to the motivation to combine, the combination is clearly directed to printing labels in the same context, which is not precluded by the claims or the invention set forth in the Specification, since the transmission of data in various forms is not a consideration.

Claims 2 and 5 (and 6) are directed to language that is not functionally interrelated with the useful acts, structure, or properties of the claimed invention and do not serve as a limitation. In particular, the output is named *label* or *report*. This is an intended use and/or nonfunctional descriptive material. However, in the interest of compact prosecution, these applications were addressed in the previous action in that evidence was provided that the printing of labels in a suitable context was well known.

The rejections of claims 1-5 are hereby maintained.

No arguments are provided for the patentability of the new dependent claims 6-15 and it is assumed that their patentability flows from that of the independent claims. These claims are directed to modifications and variations that are well within the purview of one of ordinary skill in the art, as addressed below.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1 and 3-4 are rejected under 35 U.S.C. 102(b) as being anticipated by DuFresne, US 5,835,712, 10 November 1998.

DuFresne is directed to rendering database name/value pairs [COL 3 lines 56-59] using a source template to format the display [COL lines 17-39]. In more detail:

As to **claims 1, 3, and 4**, FIG 6 depicts a system for outputting formatted information. An input file is sent from the database **64**. The recipe text file comprising a plurality of formatting descriptors linked to name/value pairs is the HTML input form **62**. The nature of the link is set forth at COL 3 line 60 to COL 4 line 16, where a template corresponds to the formatting descriptors, and **62** is a content database.

The HTML tags of the template are executable objects [COL 3 lines 14-41; claim 28 lines 18-23]. The resulting display **66** is a rendering on request of the client **61**. Both the tags and data can be modified, and one explicit form of this is the use of tag extensions [COL 3 lines 4-14].

4. Claims 2 and 5-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over DuFresne, US 5,835,712, 10 November 1998 and Wilz, Sr. et al (Wilz), US 6,394,354, 28 May 2002.

DuFresne does not explicitly teach that the output of his system is rendered as a label. Wilz is directed to an internet-based system for managing packages that prints as well as reads URL-based labels [COL 4 lines 25-31; lines 52-60; COL 5 lines 19-34; COL 26 lines 13-32].

Wilz does not address the formatting process as set forth in claims 1 and 3 as a primary objective of his system, but does specify the use of web browsers for user interfaces [FIG 5].

As noted above, an object of Wilz is to print URL-encoded bar code symbols in such a way that they can be read and automatically connect a client to a web site [COL 4 lines 25-31]. This is clearly a Web application for which the system of DuFresne is suitable. See BACKGROUND, particularly COL 1 line 42 and after in DuFresne. **It would have been obvious** to one of ordinary skill in the art at the time of the invention to apply the system of DuFresne to the label creation of Wilz in order to exchange information over the Internet, in particular the location of a web site as required by Wilz.

In the combined system the rendering of output may be a label [claims 2 and 5], which is a form of report [claims 6 and 11]. Any device that produces either a hard copy label or report is fairly called a *printer* [claims 7 and 12]. In the case of both DuFresne and Wilz, the output is rendered in electronic form prior to being printed [claims 8 and 13]. Any formatting of output corresponds to rendering the output in a particular arrangement [claims 9 and 14].

As to claim 15, each item in a template in DuFresne is stored as a name/value pair, including the access control lists [COL 9 lines 55-57], and these include predetermined date ranges [COL 10 lines 12-13].

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Amsbury whose telephone number is 571-272-4015. The examiner can normally be reached on M-F 6-18:30 FIRST WEEK.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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WPA


WAYNE AMSBURY
PRIMARY PATENT EXAMINER